

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NICOLE MOORE,

Plaintiff,

-against-

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC. and PLANNED
PARENTHOOD ACTION FUND, INC.,

Defendants.

Case No.: 22-CV-8899

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Nicole Moore, by her attorneys, Crumiller P.C., as and for her complaint against Planned Parenthood Federation of America, Inc. and Planned Parenthood Action Fund, Inc. (together, “Planned Parenthood”), respectfully alleges as follows, upon information and belief:

PRELIMINARY STATEMENT

1. The United States has a well-documented history of racial disparities in health care, which is perhaps nowhere starker than in reproductive services.
2. On June 24, 2022, the U.S. Supreme Court dealt a devastating blow to reproductive justice with its ruling in *Dobbs v. Jackson Women’s Health Organization*, overturning *Roe v. Wade* – and with it, nearly half a century of legal precedent guaranteeing women’s constitutionally protected right to abortion. But, to be clear, abortion access for women of color was already severely limited. Even since *Roe*, patients operating under tight timeframes and even tighter budgets have struggled to find accessible providers, travel, lodging, and funds to cover the cost of the procedure. And since 1974, the Hyde Amendment has barred the use of Medicaid and other federal funds for virtually all abortions, preventing many low-income women from accessing life-saving reproductive care.
3. Unjust mass incarceration, segregation, police brutality, voter suppression, negative portrayals of Black people in the media, and discrimination in business, education, and the labor

market are often recognized as structural means by which racial inequalities are perpetuated. But coercive reproductive control has posed an equivalent but lesser acknowledged threat to Black families' survival. Throughout U.S. history, women of color have been forcibly sterilized, forced to give birth, under-protected from sexual violence, abused and mistreated by health care providers, and generally unafforded access to the resources that white women disproportionately enjoy.

4. Black women are three times more likely to die of pregnancy and childbirth-related complications than white women in the U.S., where the maternal death rate is already the highest in the developed world – although about half of all maternal deaths are preventable. Of course, many women do not die but face permanent, life-changing injuries. In all these cases, the inferior quality of care Black women receive perpetuates cycles of trauma and contributes to the interlocking web of oppression that keeps Black families from achieving parity. For these and other reasons, Black women are five times more likely to seek an abortion than white women.

5. In this context, it is especially critical for reproductive rights and health care organizations like Planned Parenthood, which serves over 923,000 Black and brown patients per year, to understand racism and seek to avoid perpetuating it.

6. Unfortunately, its record shows otherwise. While Planned Parenthood has publicly boasted its commitment to racial equality, the organization – whose tagline is “Care. No matter what” – has blatantly ignored reports by dozens of its Black employees of systemic unequal hiring and promotion, more work for lower pay, overt hostility, and trafficking in stereotypes by leadership. Instead of addressing the issues, Planned Parenthood has doubled down by punishing employees of color who dare to speak up, pretextually disciplining them and creating working conditions so intolerable that they are effectively forced to leave.

7. Moore, a Black woman, became Planned Parenthood’s Director of Multicultural Brand Engagement in January 2020. She quickly earned a reputation as a hard worker, a creative thinker, and a team player beloved by her peers – except by one supervisor who had been accused of racist behavior by multiple Black employees for years without repercussion. Moore observed that Black employees in her department were assigned more work but given fewer opportunities to lead and that Black-centered campaigns were deprioritized and under-resourced.

8. When Moore politely spoke up about the inequitable distribution of work, she was falsely accused of being negative, angry, difficult to work with, and chastised for her “tone” – complaints that had no basis in reality but comported with well-trafficked stereotypes about Black women. Planned Parenthood executives then proceeded to thwart Moore’s ideas, sabotage her projects, and subject her to unfounded disciplinary measures that were clearly intended to silence her complaints. The barrage of mistreatment caused Moore to suffer a panic attack so severe that she spent a day in the hospital. After complaining to HR that the disciplinary measures appeared to be retaliation for her complaints of racial inequality at the organization, she was summarily fired.

9. Throughout her tenure, Moore faced well-documented and chronically unremedied patterns of racism: she was overlooked, overworked, over-scrutinized, tokenized, interrupted, dismissed, belittled, and abused by an openly hostile supervisor about whom many had complained about as racist. Nevertheless, she strongly believed in Planned Parenthood’s mission and sought to advance its work in the face of these obstacles.

10. Moore remains a stalwart defender of reproductive justice. But the threat of relentless attacks from anti-abortion zealots and lawmakers does not absolve Planned Parenthood of the trauma it is perpetuating within its own organization.

PARTIES

11. Plaintiff Moore is a Black woman who resides in New York. She was an employee of Planned Parenthood from January 13, 2020, through November 2, 2021.

12. Defendant Planned Parenthood Federation of America, Inc. is a national 501(c)(3) non-profit organization incorporated in New York, with its principal place of business located at 123 William Street, New York, NY 10038. Planned Parenthood delivers reproductive health care, sex education, and information to millions of people worldwide and has been a health care provider and advocate in the U.S. since its founding in 1916. The core organization's annual revenues are approximately \$300 million, with total global revenues of all affiliates exceeding \$1.5 billion. In addition, there are 49 local "affiliate" organizations.

13. Defendant Planned Parenthood Action Fund, Inc. (the "Action Fund") is a national 501(c)(4) non-profit organization incorporated in New York, with its principal place of business located at 123 William Street, New York, NY 10038. The Action Fund is Planned Parenthood's lobbying arm, engaged in political activity in which the (c)(3) cannot participate without jeopardizing its tax status. The Action Fund's annual revenues are approximately \$38 million.

14. Upon information and belief, Planned Parenthood Federation of America, Inc. and the Action Fund (referred to collectively herein as "Planned Parenthood") jointly employed Moore.

JURISDICTION AND VENUE

15. This Court has subject matter jurisdiction over Moore's claims pursuant to 28 U.S.C. § 1343 as Plaintiff has asserted claims that arise under federal laws of the United States. This Court has supplemental jurisdiction over Moore's state law claims pursuant to 28 U.S.C. § 1337 as those claims are so related to the federal claims in this action such that they form part of the same case or controversy.

16. Venue is proper in the Southern District of New York pursuant to 29 U.S.C. § 1391(b)(2) as it is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

FACTUAL ALLEGATIONS

I. Moore Faced Racist Hostility From Her Time of Hire

17. On January 13, 2020, Moore began working at Planned Parenthood as the Director of Multicultural Brand Engagement. She was excited, as the organization was considered the Holy Grail of reproductive justice organizations. An experienced media manager, activist, and storyteller, Moore brought 18 years of experience in public relations, community engagement, editorial, and marketing (including four years specifically in the reproductive justice field) to Planned Parenthood. Her experience creating content and marketing campaigns that centered the voices of Black, Latinx, and Indigenous individuals was especially valuable. She had worked at a wide range of organizations focused on civil rights, health care, media, art, and entertainment, having worked on content development, programming, event curation, building partnerships, strategy, communications, and influencer work.

18. Moore and three others reported to Ilana Gamza, the Senior Director of Brand Marketing. Gamza reported to Rachel Moreno, the Vice President of Brand & Culture (“B&C”); Moreno oversaw the 35-person B&C team. Moreno, in turn, reported to Melanie Newman, the Senior Vice President of Communications and Culture (“CNC”), who oversaw the entire ~75-person CNC team. Newman reported directly to Alexis McGill Johnson, the CEO and President.¹

¹ Moreno is a white Latina woman: her mother is non-Latina white, and her father is white Cuban. She often made comments about how she “grew up in one of those households where you don’t speak Spanish.” Gamza is a white Jewish woman, and Newman and McGill Johnson are Black.

19. As Director of Multicultural Brand Engagement, Moore was tasked with increasing the organization’s engagement with Black and Latinx audiences by creating events, finding speakers, collaborating with influencers, executing paid sponsorships, and, in general, marketing the Planned Parenthood brand to communities of color. Hers was the only department of one.

20. Part of Moore’s responsibilities included programming some of Planned Parenthood’s topical “observances,” which were campaigns based on various events and themes such as Black Maternal Health Week, International Women’s Day, and Pride Month. Moore collaborated with many other teams; if anybody needed help finding celebrities or influencers for a panel or fundraising event, Moore quickly became known as the go-to person who could leverage the many connections she had built over the years with her infectious positivity.

21. Moore had individual meetings with Gamza, her direct supervisor, every week, as well as individual meetings with Moreno, Gamza’s supervisor, every other week.

22. Moore immediately dove into her work, organizing and creating various collaborations and events. She got along well with Gamza, who was impressed with her work from the beginning. However, Moore quickly noticed that Moreno was inexplicably hostile toward her.

23. Moore’s colleagues soon confirmed that Moreno’s animus toward Black women was known throughout the organization. Indeed, Moore learned that her predecessor, another Black woman, had left the organization specifically because of how Moreno had treated her.

24. Several early experiences with Moreno seemed to confirm this pattern of racist behavior. During one of Moore’s job interviews, she asked whether there was any programming planned for “Stand with Black Women,” Planned Parenthood’s campaign focused on empowering and uplifting Black women. Moreno replied derisively, criticizing the campaign and bizarrely

claiming that it was “irrelevant” to Planned Parenthood’s mission. Moreno would continue to randomly criticize the campaign throughout Moore’s tenure.²

25. Just a few weeks after she started, Moore replied to a group email soliciting ideas for ways that Planned Parenthood could better engage with communities of color. Moore volunteered to seek a speaking engagement for the President at a Black Girls Rock convention, an organization she had a relationship with.³ Many on the thread responded enthusiastically. However, about twenty minutes later, Moreno accosted Moore in the open-office hallway – in front of about ten other employees – where she loudly reprimanded Moore for taking such an “active role,” instructing her instead to “listen more” and “remain quiet and observe.” Moore felt humiliated and confused.

26. About a month into Moore’s employment, Moore approached Gamza to express her concerns about Moreno’s unfair attitude toward her and how demoralizing it was. Gamza agreed that Moreno’s mistreatment was unfounded and attempted to speak to Moreno about it. However, Gamza’s efforts were unsuccessful; Moreno failed and refused to change her behavior.

27. On July 12, 2022, Gamza executed a declaration in support of Moore’s claims in this action. She describes:

“From the very start of her employment, Moore was a self-starter who hit the ground running by networking, building out creative new programs and managing complex projects with tremendous aplomb while deftly navigating Planned Parenthood’s very complex organization with impressive comprehension. However, Moreno consistently positioned herself against Moore from the start, treating her with open contempt, treating her ideas with unfounded suspicion and creating a series of obstacles designed to hinder her success. Moreno also consistently addressed Moore in a withering and condescending tone that I found to be very unprofessional and painful to watch.”

² On another occasion, Moreno told another Black employee that she had shown the campaign to her husband and “he hated it,” as though her husband’s opinion somehow constituted proof that the endeavor was not worthwhile.

³ Black Girls Rock (<https://blackgirlsrock.com/>) is an organization dedicated to inspiring and uplifting girls of color, teaching leadership skills and developing confidence. It hosts an annual “BLACK GIRLS LEAD” conference, an annual award show which highlights Black women’s achievements, and creates media content that showcases strong women and girls of color in a positive way.

28. Others shared Gamza's enthusiasm for Moore's work. In January or February 2020, Newman sent an email praising Moore for being so proactive and expressing her gratitude to have Moore on the team.

29. Moore endeavored to ignore Moreno's negativity. She dove into her responsibilities, representing Planned Parenthood at events around the country, promoting the organization, and building new relationships. However, Moore quickly came to learn that her difficult experience as a Black woman at Planned Parenthood was not unusual.

II. Moore Learned of Unremedied History of Racism at the Organization

30. A natural collaborator and relationship-builder, Moore began speaking with other Black women at the organization, including Nia Martin-Robinson, the Director of Black Leadership & Engagement. Martin-Robinson had worked at Planned Parenthood since 2016 and was well-known and respected for her seniority at the organization.⁴ Martin-Robinson shared that she had experienced racism within the organization on multiple occasions over the years, but when she complained, nothing was done; instead, she was criticized.

31. In one example in 2017 or 2018, at a Planned Parenthood event in upstate New York, Mid-Hudson Valley CEO Ruth-Ellen Blodgett had reached for Martin-Robinson's head and asked her, in front of a room full of people, if she could "pet" her hair. Shocked and hurt, Martin-Robinson said absolutely not, adding that the request was inappropriate and that she was not a pet. Blodgett insisted she should be allowed to touch Martin-Robinson's hair, protesting that her granddaughter had similar hair which she was allowed to "pet." Martin-Robinson had been approached by her supervisor, National Campaign Director Sarah Standiford, the next week.

⁴ Planned Parenthood represented to staff that its average retention rate for Black employees was 2-3 years, whereas for white employees it was 7-8 years.

Rather than apologizing for Blodgett's mistreatment, Standiford chastised Martin-Robinson for hurting Blodgett's feelings by saying no to her with her tone.⁵

32. Martin-Robinson had also complained of a white male colleague who often described himself as a "Black woman trapped in a white man's body." He wrote emails in African American Vernacular English (AAVE), which he punctuated with memes and GIFs of sassy Black women, and acted out these stereotypical gestures. Planned Parenthood failed and refused to the racist behavior in any way, let alone remediating it; instead, Martin-Robinson was chided in a feedback survey for "playing the race card."

33. Martin-Robinson shared with Moore that in or around 2018, she had received a troubling performance evaluation from Standiford, who accused Martin-Robinson of being "intimidating." Martin-Robinson asked Standiford if she was also "intimidated" by a white Latina colleague who was known for expressing herself much more angrily in the workplace than Martin-Robinson ever dared. When Standiford replied that she was not, Martin-Robinson, said, "then this is about race." Standiford's response was to begin crying.⁶

34. Martin-Robinson told Moore that she also experienced hostility from Moreno and observed that Moreno generally treated Black women at the organization with open disdain, just as Moore had experienced and Gamza had witnessed.

⁵ Asking to touch Black people's hair is an oft-discussed example of common racist behavior. See, e.g., Asare, Janice Gassam, "Stop Asking Black People If You Can Touch Their Hair," *Forbes* (Jan. 8, 2020) available at <https://www.forbes.com/sites/janicegassam/2020/01/08/stop-asking-black-people-if-you-can-touch-their-hair/?sh=2e1624d350a7>.

⁶ "White women's tears" is an oft wielded and well-discussed weaponization of white fragility: a gaslighting technique to deflect against accusations of racism. "Some white women may use it unconsciously, familiar with the privilege of having their emotions come before another's. But . . . it's often used intentionally to minimize accountability, deflect blame, or worse, inflict harm in scenarios where they know their whiteness grants them superiority. Ironically, it's often used by the same people that will denounce acts of racism, unable – or perhaps unwilling – to see how power and privilege play in these situations." Anti-Racism Daily, "Confront the Weaponization of White Women's Tears," (July 19, 2021), available at: <https://the-ard.com/2021/07/19/confront-the-weaponization-of-white-women-tears-anti-racism-daily/>

35. Early one Saturday morning, Moreno called Martin-Robinson on the phone. When Martin-Robinson answered, Moreno began screaming obscenities at her, blaming her for a different Black woman’s actions. Planned Parenthood had engaged well-known Black reproductive justice activist Renee Bracey Sherman as Executive Producer on *Ours To Tell*, and Bracey Sherman had shown a rough cut to the individuals featured. Moreno did not explain how or why Martin-Robinson was responsible for Bracey Sherman’s actions, nor even what Bracey Sherman had ostensibly done wrong. Martin-Robinson told Moreno that the call was inappropriate and ended it. Moreno later called Martin-Robinson back and began crying into the phone. As she cried, she attempted to explain that she had been caught off guard by Bracey Sherman’s actions, which was why she had demanded a “fucking heads up” from Martin-Robinson.

36. Moore also learned that Black observances were consistently deprioritized compared to others. Each year, staff complained that Planned Parenthood was unwilling to delegate sufficient resources to Black History Month (“BHM”) events and campaigns and that employees were instructed to prioritize other matters, giving short shrift to BHM as compared to other observances.

III. The Global Coronavirus Pandemic Disrupted Reproductive Health Care and Ignited a Racial Reckoning Inside Planned Parenthood

37. On March 13, 2020, just two months after Moore’s employment began, Planned Parenthood’s offices formally closed, and employees transitioned to remote work, due to the global COVID-19 pandemic. Around this time, Planned Parenthood was serving approximately 2.4 million patients per year at over 200 clinics nationwide. As clinics around the country were also forced to close, Planned Parenthood scrambled to launch a massive telehealth program to

ensure that its patients continued to receive care. For two months, Moore worked 10-12 hour days alongside a 5- or 6-person team to create a marketing campaign about the program.

38. Moore continued to notice that her thoughts and ideas were generally unwelcome, unlike her white peers. In one stark example, at the beginning of the pandemic, Moore suggested that Planned Parenthood should observe Asian American and Pacific Islander (“AAPI”) month, when AAPI communities were facing a spate of increased violence. Moreno swiftly rejected the idea, telling Moore to focus on Black and Latinx communities instead of “creating more work for [her]self.” However, just a few months later, when a white director expressed the same exact idea, Moreno praised the “good idea” and promptly implemented it for 2022.

39. The next month, in April 2020, Planned Parenthood hired Nicole Long, a Black woman, as its Associate Director of Brand Projects. Long reported to Lauren Garcimonde-Fisher, the Senior Director of Brand Strategy, who reported to Moreno. From the start of her employment, Long also noticed that Black employees were treated much differently than their white colleagues. She observed that executives consistently assigned much more work to Black employees and held them to a higher, more stringent standard.

40. Long experienced a double standard regarding “tone policing” throughout the B&C department. Non-Black employees were permitted to openly express anger and frustration when warranted and even to use profanity in the workplace. However, Black employees were generally chastised for exhibiting any hint of anger or frustration, which was treated as threatening and inappropriate.

41. Martin-Robinson witnessed Moreno regularly disparage Moore behind her back, falsely painting her as not being a “team player” and describing her as “not a hard worker.” To everyone else who saw Moore’s work firsthand, the opposite was true.

42. Martin-Robinson and Long also observed, as Gamza had, that Moreno often interrupted Moore during group meetings, preventing her from sharing her ideas and effectively excluding her from participation. This was in stark contrast to the respectful way in which Moreno treated her white colleagues. It resulted in Moore having less authority and fewer high-level responsibilities than her white colleagues.

43. Alongside Moreno, Senior Creative Director Elizabeth Bawol was another executive whose casual racism was a regular topic of conversation among employees. In May 2020, after George Floyd was murdered and the Black Lives Matter movement gained momentum, Bawol often went around reminding staff that there were “a lot of really nice people” who worked in law enforcement. It felt minimizing of, if not hostile to, Black employees’ experiences.

44. Before the pandemic, Bawol rarely came into the office, as she spent most of her time in North Carolina. She often discussed how beautiful her “antebellum style” country estate was, effectively bragging about living on a former slave plantation.

45. One time, Bawol referred to then-New York City Health Commissioner Oxiris Barbot, who is Puerto Rican, as being “so articulate.” Many employees immediately objected to the comment as condescending and racist. Moore reported the comment to Newman without identifying the speaker. Newman responded by asking, “If I guess who it is, will you tell me?” Newman’s first guess was Moreno, and her second guess was Bawol, confirming that the organization was well aware of both women’s racism.⁷

⁷ Moore and her Black colleagues quickly came to learn that just because Newman was a Black woman did not mean she was an ally to them. Newman fielded many, many complaints about Moreno; she said that she would never fire Moreno because Moreno “made her look good,” and that Newman never thought she would ever make so much money and would do nothing to give it up. On one occasion Newman even referred to herself as a “Rachel [Moreno] apologist.” Newman effectively positioned herself as a barrier between the complaints of Black staff and the generally white leadership of which she was a part.

46. Around this time, in the spring of 2020, Newman formed a group called “CNC Black Staff (Therapeutic Insights and Advocacy Check-In),” a monthly meeting of the 18-20 CNC department employees who identified as Black with the stated goal of bringing together Black CNC staff to form and strengthen relationships, which soon became colloquially known as “CNC Black.” Moore attended at first, hoping it would be an opportunity to discuss substantive issues around team-building and morale. However, after a few months, she found that the meetings largely centered around Newman talking about her baby and her husband, so she quietly stopped attending.

47. Moreno continued to thwart and sabotage Moore’s work. In June 2020, Gamza selected Moore to lead a new brand engagement with an outside advertising agency. However, Moreno inexplicably vetoed Gamza’s decision, replying-all to the announcement email that she had selected a white woman, Perry Meyers, instead.

48. Moore struggled to address the limitations she was facing on her leadership and authority. On June 8, 2020, Moore typed out an email to Gamza and Moreno, expressing her frustrations. Though she ended up sending it only to herself, it memorialized her concerns, which she posed in her characteristically generous and circumspect way:

“This lack of regard is not respectful to my time, my leadership, and to my physical and mental energy. And I know that is not your intent. You are new and I am new and we are both trying to build a plane as we fly in a foreign land and that is creating issues in how we interact and being and most effective.

“. . . [S]omething isn’t clicking. And I know that early on you have admitted that multicultural engagement is not your forte and that you would give me the space to lead, and I am grateful for that transparency and space, but I am finding out that for someone who is new at an org with so many hoops to be jumped that having that kind of freedom only leads to futility and an inpet [sic] ability to lead and be impactful. . . . I am sharing with you and Rachel that, with this situation as the latest example, the way in which the three of us work together deprives me of any agency to lead confidently and with purpose.”

49. On June 18, 2020, the employees of Planned Parenthood’s New York affiliate published an open letter describing systemic racism and demanding the removal of Laura McQuade, the affiliate’s CEO. The letter, which was signed by hundreds of employees, described a pattern of willful inaction:

“After years of complaints from staff about issues of systemic racism, pay inequity, and lack of upward mobility for Black staff, highly-paid consultants were brought in three separate times to assess the situation. Each time, employees of color were brutally honest about their experiences, but nothing changed.”⁸

50. On June 22, McQuade was removed from her position. However, although it was widely discussed among the national employees that their own experiences were similar, national leadership said nothing publicly about the incident.⁹

51. Instead, Planned Parenthood quietly hired an outside organization, Anti-Oppression Resource and Training Alliance (“AORTA,” <https://aorta.coop/>) to conduct surveys at the national office to interview Black employees about their experiences. This was somewhat ironic, as hiring consultants to assess the situation was one of the fruitless, performative endeavors about which the New York employees had complained. Non-Black employees were not expected to participate and were unaware that the interviews were even occurring.

52. Certainly, nothing changed for Moore. On June 30, 2020, Gamza and Moreno met with Moore to approve her budget for the upcoming fiscal year, which they did. However, the next morning, Moore was shocked to receive a message from Gamza, saying that Moreno had changed her mind and instructed Gamza to tell Moore she needed to cut her budget substantially, leaving Moore with less than 24 hours to figure out where to dramatically reduce what had been

⁸ Save PPGNY. “Update: On An Open Letter,” (Jun. 18, 2020), Save PPGNY, available at <https://saveppgny.wordpress.com/>.

⁹ The affiliates have a symbiotic relationship with national in that they share resources and often hire from each other. The New York affiliate worked especially closely with national headquarters because of its size and proximity.

highly successful spending. Moreno specifically wanted to cut the ad spend for *Essence* magazine, which had been a hugely successful engagement with Black audiences.

53. Later that day, at the CNC Black meeting, Moore relayed her predicament to Newman, Moreno's supervisor, and other staff in attendance; as she explained that she had only a few hours to figure out how to slash her budget, she began to cry.

54. Upon information and belief, Newman then confronted Moreno about the last-minute cut. Moreno denied making the cut; although she had made the request to Gamza in writing, she simply told Newman that Moore was lying and had fabricated the entire incident out of thin air. She told Newman that perhaps Moore was trying to undermine Moreno's leadership. Moreno then called Moore and screamed at her in a rage, repeating her denial of what she had done, and yelling that Moore should not have gone to Newman. It was a clear effort to limit Moore's power within the organization and to falsely paint her in a poor light.

55. On July 10, 2020, Moore attended her AORTA interview. She candidly expressed her frustration about the "structural racism" at the organization, describing it as a "white feminist" organization that prizes whiteness while disregarding and tokenizing Black and brown employees. She reported how collaborations with Black entities like *Essence* magazine had been deprioritized, and Black observances Juneteenth and Black August were not even observed.¹⁰ She gave examples of how she had been undermined and then treated like an "angry Black woman" when she objected.¹¹ The interviewer's notes summarized Moore's comments:

¹⁰ Juneteenth (June 19), which marks the anniversary of the announcement proclaiming freedom for enslaved persons in Texas, commemorates the emancipation of enslaved Black Americans, and has been celebrated since at least 1866 as a celebration of African-American culture. "Black August" is an annual commemoration, started by Black freedom fighters in California prisons in August 1979, to commemorate the lives of Black political prisoners killed by the state, bring awareness to prison conditions, and honor the radical tradition of Black resistance against anti-Black state violence and systemic oppression.

¹¹ The "angry Black woman" stereotype is a common form of discrimination. See Motro, Daphna, et al., "The Angry Black Work Stereotype at Work," Harvard Business Review, (January 31, 2022), available at: <https://hbr.org/2022/01/the-angry-black-woman-stereotype-at-work>.

“Diversity, we are good at that; inclusion, we don’t have that… PPFA sucks at inclusion. You get invited to the party and you are there but you aren’t in the room where the decisions are happening. They will leave you down in the kitchen with your favorite foods, and tell you to talk amongst yourselves.”

IV. Racism At Planned Parenthood Was Publicly Reported

56. On August 21, 2020, *BuzzFeed News* published an explosive article titled, “Employees Are Calling Out Major Reproductive Rights Organizations For Racism And Hypocrisy.”¹² The reporter, Ema O’Connor, interviewed 26 employees at Planned Parenthood affiliates. She found:

“[P]eople of color, and especially Black people, were often stuck in lower-paying administrative roles, causing high turnover rates among staff of color and preventing nonwhite employees from rising to positions of power within the organizations. Black current and former staffers at four of the [Planned Parenthood] affiliates told BuzzFeed News they faced racism and were berated and belittled by their bosses while their non-Black colleagues were not. They also said they were unable to move up within the organization, while their white colleagues were promoted.”

57. The article comported with Moore’s, Long’s, and Martin-Robinson’s experiences. Later, they learned from the AORTA report that dozens of others at the national office had expressed similar sentiments.

58. In response to the article, on August 27, 2020, McGill Johnson sent an all-staff email pledging to combat racism:

“[T]oo many people of color face unfair backlash for speaking truth to power, and that should have no place in our movement. I also know that their experiences might reflect yours. We know from our employee engagement surveys that staff of color, in particular Black staff, experience significantly lower engagement scores, higher levels of stress, and lower retention rates.”

59. The email also referenced the AORTA surveys and expressed optimism that “[t]he results from these conversations and data will certainly provide more insight to inform this work.” However, McGill Johnson’s promises were hollow. Planned Parenthood had all the information

¹² O’Connor, Ema, “Dozens Of Black Employees Said They Faced Racism At Planned Parenthood, An Internal Audit Found,” *Buzzfeed News*, (October 9, 2020) available at: <https://www.buzzfeednews.com/article/emaoconnor/black-employees-planned-parenthood-racism>.

it needed to stop mistreating and undermining its employees of color, devaluing Black culture and observances, and tolerating racist executives. And yet, the racism did not stop there.

V. Moore Suffered Reprisal for Making a Protected Complaint

60. In early September 2020, a “Tables of Ownership” document was circulated, listing each active project and identifying its project leaders (referred to internally as “Owners”). Moore noticed that, although the B&C team was reasonably diverse, only two out of approximately twenty projects had Black Owners. Moore struggled internally; she feared backlash but felt it was her responsibility to raise her concerns. Thus, on September 16, 2020, crossing her fingers that Planned Parenthood’s public declarations were genuine, she wrote to Moreno and Newman:

“I am curious about the lack of Black staff representation as Owners of [the upcoming projects]. . . . Please know this is NOT an indictment, I am truly trying to figure out how PP Tables of Ownership and power are created. Is there a selection process? How do you qualify as a Lead/ Owner for certain campaigns? . . . Should I have asked to be included as a Lead in [one project] instead of waiting to be asked?”

61. Moore’s polite email was *not* well received. The next day, Moreno berated Moore at length for sending it and flatly told her that it was “unacceptable to accuse [Moreno] of racism.” Moore maintained her composure and continued to ask questions about the selection process. Moreno attempted to describe what she claimed was a neutral and nondiscriminatory process but ultimately could only admit that Owners were chosen at her own discretion.

62. Moore was completely taken aback. She had been squarely reprimanded for raising her concerns about racial disparities in leadership. On a call a few days later, Newman conceded that Moore’s inquiry was valid, but refused to take action, noting that “these types of questions” could “cause division.”¹³

¹³ A week later, the document was recirculated. The number of project “Owners” had simply been reduced, with a number of white project leaders removed on the sheet. Thus, the ratio appeared to be more egalitarian, but only because the document had been edited in a misleading manner.

63. Moore was further punished by the organization shortly thereafter. Daniela Ramirez, a Latina woman, had been the Director of Constituent Communications in the Media department until her three reports all quit. To accommodate her, Planned Parenthood created a new role for Ramirez in the CNC Department, which usurped a large amount of Moore's responsibilities: "Multicultural Brand Strategy & Projects Director," a title that could well have applied to Moore. Moreno unilaterally changed Moore's job description to transfer duties to Ramirez. Even worse, Moreno told Ramirez she would be changing Moore's job description before telling Moore herself. It was an act that treated Ramirez as superior to Moore and not as her equal (which she was). When Ramirez told Moore, Moore was so hurt that she cried. Moreno's response was to express anger at Ramirez for telling Moore.

64. Upon information and belief, from August to October 2020, three employees of color resigned their employment from the CNC department, specifically due to the racism and lack of upward mobility they experienced there.

65. Around this time, a Black woman named Amber Phillips, a former contractor at Planned Parenthood whose contract was not renewed, spoke publicly on Twitter about racism at Planned Parenthood and other organizations. At an internal meeting, a white executive suggested that Black female employees ought to go on Twitter and publicly refute and invalidate Phillips' statements. Black staffers at the meeting protested, saying this was effectively puppeteering Black women to invalidate other Black women in the social sphere. The idea fizzled, but it was typical of the way in which Planned Parenthood treated its Black employees.

VI. Planned Parenthood’s Racism Was Exposed Even More Publicly, But Still, It Took Only Performative, Counterproductive Measures

66. In October 2020, AORTA shared the results of its survey at the monthly meeting of the National Black Associates (“NBA”), Planned Parenthood’s resource and affinity group for Black employees. One employee secretly tape-recorded the meeting.

67. On October 9, 2020, *BuzzFeed News* published an explosive article titled, “Dozens Of Black Employees Said They Faced Racism At Planned Parenthood, An Internal Audit Found.”¹⁴ The article described what Moore and many of her Black peers had experienced: “Many Black members of staff felt they were limited in their roles and the kind of work they were assigned by ‘racialized assumptions.’” In general, “...the organization’s Black employees feel that Planned Parenthood’s treatment of them internally does not line up with its social justice–driven mission.”

68. Black employees also experienced a higher level of scrutiny than their white colleagues: “[Black] employees said they felt they were ‘placed under greater scrutiny than white colleagues, both in terms of how Black staff are perceived at work, as well as the number of hours they work.’” One employee said “There were ‘lots of stories’ of Black employees being expected to put in ‘extraordinary hours of work’ even if they were going through a family crisis . . . while white employees were given more leeway.”

69. It was not the first time Planned Parenthood had faced public scrutiny for its hypocrisy. In 2018, Planned Parenthood was accused of discriminating against pregnant employees.¹⁵

70. Planned Parenthood leadership was upset for weeks about the *BuzzFeed* article. They were especially frustrated at having to field questions from donors, including renewed scrutiny of the 2018 report. The actual results did not seem to bother the organization – only the optics.

¹⁴ O’Connor, “Dozens Of Black Employees Said They Faced Racism At Planned Parenthood,” Buzzfeed (2020).

¹⁵ Kitroeff, Natalie, Silver-Greenberg, Jessica, “Planned Parenthood Is Accused of Mistreating Pregnant Employees,” The New York Times, (December 20, 2018) available at:

<https://www.nytimes.com/2018/12/20/business/planned-parenthood-pregnant-employee-discrimination-women.html>.

Indeed, on October 12, 2020, Newman sent Moore a message asking to speak to her about the results before the teamwide CNC meeting the next day. Newman wrote, “I feel like white folks are gonna test me again and I need to be ready.”

71. In November, Moore attended the monthly NBA meeting. About 30 to 40 Black employees were in attendance. Newman spoke at length at this meeting, not about addressing the discrimination or the pain that Black employees had suffered, but rather on shaming and punishing the leakers. She announced that whoever had leaked the recording to *BuzzFeed* had “betrayed” Planned Parenthood and declared ominously: “We are going to find out who did this.” Newman did not express any concern for those present; however, she did express concern, again, about a backlash among “white staffers,” some of whom had complained to Newman that the reporting reflected poorly on the Planned Parenthood brand.

72. On a phone call with Moore around that time, Newman boasted that she had convinced the *BuzzFeed* reporter to remove a portion of the article that would have described how Planned Parenthood’s HR department had chronically failed Black employees.

73. In addition to their regular work, employees of color were required to attend a host of various meetings and “retreats” about race. The meetings were loathed by employees of color, who felt extraordinarily uncomfortable and tokenized at them.

74. On December 1, 2020, Bawol hosted an all-day “Winter Gathering” retreat focused on Diversity, Equity, and Inclusion (“DEI”), for the CNC department. It was widely believed that this was intended to somehow compensate for the many complaints Planned Parenthood had received about Bawol’s racism. Part of the retreat consisted of a “fishbowl” where the staff was encouraged to share anything bothering them. However, staff was not permitted to make any

individual accusations or point fingers, which prevented them from discussing the elephant in the room: Bawol herself.

75. Another “Climate and Belonging” survey was conducted in early 2021 by the Perceptions Institute for the entire national office and any affiliates that opted in.

76. Later, on February 22 and 23, 2021, Moore was forced to attend a two-day CNC retreat that included a Venn diagram showing a spectrum of racial identities; employees were asked to point to where they identified themselves on the diagram.

77. These discussions prioritized and privileged white fragility. One time, when a white employee confessed that she used to make assumptions about people’s race based on their writing, she was praised for her bravery and vulnerability. Planned Parenthood paid no mind to the hurt its employees of color suffered during these discussions.

78. Planned Parenthood employees of color felt forced to constantly relive the trauma of being tokenized and having to cater to, and effectively perform for, their white peers. If these retreats were intended in any way to help Planned Parenthood’s employees of color, they did the opposite. They felt performative and uncomfortable and a waste of time for already-overworked staff. Worse, they did nothing to address the specific, concrete complaints that employees of color had registered over and over again without recourse.

79. At least one complaint was lodged to HR about these exercises and how uncomfortable they were to Black and brown employees, who felt uncomfortable, tokenized, and put on the spot, due to their race and ethnicity. HR again ignored the concerns and simply said the exercises were mandatory.

80. These performative measures did nothing to advance racial equality within the organization. No actions were taken as a result of the unequivocal survey results.

81. AORTA, the organization commissioned to do the survey, offers training, coaching, and facilitation services (<https://aorta.coop/>). However, upon information and belief, Planned Parenthood failed and refused to hire it, or any other organization, to do any actual work to remediate the problems uncovered by the survey.

VII. Planned Parenthood Openly Subjected Black Employees to a Double Standard Regarding Contract Work

82. In late 2020, with Planned Parenthood's full knowledge, Martin-Robinson, along with three other employees of color, started For the Culture Consulting, LLC, a DEI consulting firm (<https://www.shiftyourculture.org/>).

83. This was not unusual – many other employees had started consulting firms outside the organization, including white employees with whom Planned Parenthood actually contracted.

84. Nor did it violate any Planned Parenthood policies, nor interfere in any way with the employees' work for the organization. However, it addressed the lack of opportunity and upward mobility they were being provided within the organization.

85. Planned Parenthood falsely claimed the consultancy would compete with its own work providing outside DEI services, which it did not actually do.

86. Planned Parenthood sent a cease and desist letter to the employees, falsely claiming that they were violating their employment agreements. When pressed, Planned Parenthood could not identify any provisions in its own conflict of interest policy that were ostensibly violated. Instead, it removed the policy from the server for several days, then replaced it with a new version that included new policies which would prohibit the employees' conduct.

87. The organization created a lengthy list of fields in which the consultancy was “forbidden” to work, including not only reproductive rights but a host of other progressive causes, effectively forcing the employees to resign from their employment or close their new business.

88. In or about March 2021, McGill Johnson falsely denigrated the new consulting firm at a nationwide meeting of the CEOs of the affiliates, attempting to sabotage the firm's business, even as the employees had already left Planned Parenthood.

VIII. Moore Faced Pretextual, Retaliatory Adverse Action

89. Meanwhile, Moore continued to suffer the very same mistreatment that Planned Parenthood had publicly vowed to address.

90. When Supreme Court Justice Ruth Bader Ginsburg died on September 18, 2020, Moreno created a campaign called #AllRise to celebrate her legacy and ensure that an appropriate replacement was appointed. During an early meeting about the campaign, Moore asked an innocuous question about the strategy and goal of the campaign. Moreno became furious and instructed Moore never to question her about a campaign she was leading.

91. In October 2020, Moore recruited award-winning artist and graphic designer Julian Alexander to be one of three artists that produced a commissioned piece for the #AllRise campaign. After Alexander's piece launched, Moreno emailed Moore, with other staff copied, to say that the artist had complained about the speed of the rollout of the project and his disappointment with influencer reach, chastising Moore. Moore was stunned, as Alexander had expressed only praise and gratitude to her; when she immediately called him regarding Moreno's accusation, he expressed confusion and flatly denied Moreno's report. Moore clarified with Alexander's team that they had expressed concerns regarding a different aspect of the project that Moore had no involvement in. Moreno had lied, conflating the two incidents, in order to humiliate and falsely accuse Moore.

92. When Moore confronted Moreno about the lie, she denied it, telling Moore to "take a beat" and complaining that Moore "blew things out of proportion." On October 29, 2020,

Moreno sent an email to Moore, complaining yet again about her response to the false accusation and blaming her for having an “uncollaborative spirit” and an “accusatory tone.”

93. Throughout the year, Moreno pressured Gamza to falsely critique Moore; Gamza repeatedly refused. But Moreno escalated her pressure; at one point, she went so far as to ghost-write a critique of Moore, which she demanded Gamza send as though she had written it herself. Gamza felt extraordinarily uncomfortable but did what her boss unequivocally demanded of her.

94. In November, Moore successfully secured a prestigious speaking engagement for McGill Johnson. In a conversation over group email, Newman and Moore had a strategic disagreement over a minor issue – the timing of the engagement. Newman called Moore immediately after receiving the email, enraged at Moore for “embarrassing” her in front of the team, and especially for disagreeing with her in front of “white staffers.” It was a completely different reaction than Moore’s white colleagues received when they voiced differences of opinion, which were respected and appreciated.

95. Meanwhile, Moreno tried to insist that Gamza put Moore on a Performance Improvement Plan (“PIP”), but Gamza refused. In early November 2020, Moreno pulled Moore from Gamza’s team and instructed Moore to report to her directly. A few weeks later, in late November, Planned Parenthood terminated Gamza’s employment.¹⁶

96. Moreno wasted no time. On November 16, 2020, she told Moore that she was placing her on a PIP. Moore was shocked; she had received only positive feedback from Gamza, her peers, and senior leadership who had taken note of her work.

¹⁶ In addition to advocating for Moore, Gamza had also advocated for Jewish employees by trying to start a resource group for them. Gamza has since filed a complaint against Planned Parenthood alleging discrimination based on her identity as a Jewish woman and retaliation for her protected complaints. *See Gamza v. Planned Parenthood Federation of America, Inc., et al.*, 21-Civ.-05553 (LGS).

97. The allegations in the PIP fell into three categories. Some were demonstrable lies. For example, Moreno cited a lack of communication and a failure to keep her in the loop, even though Moore met with her twice a month to touch base on projects, emailed her all major updates, and also sent her detailed weekly progress reports. Moreno also claimed that Moore had failed to build effective relationships and be a team player, in spite of numerous collaborations which demonstrated the contrary.

98. Some were abjectly inaccurate descriptions that simply parroted stereotypes about Black women being aggressive, angry, and difficult to work with. These complaints focused on Moore's perceived negative attitude and tone.

99. Lastly, Moore was specifically reprimanded for raising concerns about racial inequality at Planned Parenthood. Moreno complained that Moore had "made public accusations that the budget management was handled in an inequitable way and that we were not allocating sufficient funds to Black and Latinx audiences, which was incorrect," and cited Moore's September 16 email wherein she had inquired about the lack of Black project leadership.

100. As Moreno had written that Moore's "accountability and communication is inconsistent and causes confusion and frustration," Moore decided to quietly approach several colleagues to apologize for any confusion or frustration she had caused and to seek constructive feedback on how she could better work with them going forward. Each person expressed total surprise at the accusations and agreed that they appeared to be pretextual in retaliation for Moore's complaints.¹⁷

¹⁷ These included Long, Martin-Robinson, Chantal Bonitto (Director of Inclusive Philanthropy), Kevin Williams (National Director of Visual Products), Brandon Minow (Director, Experience Design, Events & Conferences), Danielle Wood (Manager of Internal Communications), and Tina Farris, who was a consultant Moore had hired.

101. In December 2020, Moore approached HR. She expressed her concerns to Beckett that the PIP widely appeared to be pretextual and retaliatory for her concerns about racial inequality at the organization. Beckett was flatly disinterested and bluntly instructed Moore to “just do what’s in the PIP.” When Moore gave examples of overt falsehoods in the document, Beckett dismissively replied, “something in it has to be true, so just focus on the true part.”¹⁸

102. Beckett offered to speak with Moreno about Moore’s complaint, but Moore declined, expressing that she was concerned about further retaliation. Beckett became defensive and demanded to know if Moore had ever heard that about her in particular, which Moore denied.

103. Moore continued to suffer worse treatment than her colleagues. By now, leadership had begun to openly sabotage her projects. That month, she was given just eight weeks to prepare for a Black History Month project that typically warranted 21 weeks of preparation time. With no legitimate justification, Bawol refused to let the creative team create new videos for the observance, as was customary for such a major project. Moore and Long, who was the project Owner, persevered and scheduled a meeting with the creative team to discuss alternative ideas such as recycling content. However, on December 14, 2020, just thirty minutes before the meeting was scheduled, Bawol instructed each attendee to change their calendar invitation response from “accept” to “decline.”

104. Long and Moore both felt highly disrespected, not only by Bawol’s attempts to sabotage their project but also by her refusing to engage with them as leaders and circumventing their authority.¹⁹ Moore was so hurt and betrayed that she was crying and had to leave work early.

¹⁸ To the contrary, literally nothing in the PIP was true. Moore had no guidance whatsoever in terms of how she could improve her behavior, other than to stop speaking about racism.

¹⁹ This incident was also typical of Planned Parenthood’s general notorious treatment of BHM observances.

105. After this meeting, Bawol continued to actively try to prevent her team from working on BHM. She insisted they did not have time even to recycle old content, which would leave Moore and Long with no content whatsoever to use for the observance. Bawol finally relented when her team insisted.

106. BHM was not Moore's only project that leadership attempted to sabotage. Moore had created a proposal to partner with filmmaker Ava DuVernay and her production company, ARRAY, to screen Planned Parenthood's documentary *Ours to Tell*. It was a tremendous achievement for the organization. However, after Moore was put on the racist and retaliatory PIP, Newman and Moreno promptly quashed the proposal. They even scolded Moore for failing to speak with senior leadership about the idea first, although she had. Moreno claimed that the project was canceled because senior leadership had made the decision not to screen the film anymore that year, which turned out to be a lie, as there were at least two more screenings scheduled.

IX. Racism Was Widespread At the Organization

107. One Afro-Latina woman, who had been hired as a Senior Video Producer, expected that she would be creating and writing projects, leading production teams, planning shoots, coordinating visual design, collaborating with teams to oversee messaging – essentially, using her creative abilities to tell stories through video. Instead, she was surprised to learn that Planned Parenthood regularly hired outside film crews, mostly consisting of the executives' white friends. This Producer was primarily expected to perform the entry-level work of a production assistant, such as coordinating amongst the team and with vendors, handling paperwork, managing supplies and equipment, and general clerical and administrative tasks.

108. In late August 2020, the creative team attended a Zoom meeting led by Bawol. As people joined the call, they discussed their common frustration about how Planned Parenthood consistently devalued BHM and other Black observances.

109. Instead of addressing the concerns, Bawol yelled, “That’s not what this meeting is about!” and simply hung up her phone.

110. After Bawol left the meeting, the creative team continued to commiserate about what they all felt were racist depictions of Black people in Planned Parenthood’s programming. Many individuals of the creative team had lobbied rigorously for the organization to issue content showcasing Black people that were happy and/or successful. But the organization refused to green-light any projects that did not depict Black people as struggling and/or impoverished. The creative team had also fought for Black creators’ work to be showcased but was invariably met with resistance from Bawol and the other executives, who preferred to hire their white friends.

111. At least one creative team member complained to HR about these disparities. HR promised to investigate, but never did.

112. The creative team employees of color often spoke openly about being “othered” by white executives, and feeling like they constantly had to fight to lift BIPOC and Latinx stories across the organization’s platforms. No actions were taken in response to these regular complaints. At least one Latinx employee was expected to translate other people’s projects into Spanish, despite having no background in translation and no relationship between the translation and the employee’s responsibilities.

113. In December 2020, a complaint was lodged to HR about the tokenizing and racist translation requirement. Again, nothing was done.

X. Meanwhile, Moore Is Removed from Her PIP For No Reason Other Than Remaining Silent About Racism

114. On January 13, 2021, Moore met with Moreno regarding the PIP. Moreno stated that she would be extending the PIP for another 45 days because she felt Moore's performance had not improved in certain areas. However, she would not, or could not, specify how. Moore received the message loud and clear that she simply needed to stop pointing out racial disparities within the organization.

115. On January 26, 2021, Moore wrote to Moreno:

"In our meeting [you expressed] that my performance had not improved in certain areas and having more time to make adjustments and assessments would be necessary . . . Can you please identify, in writing, exactly where you see a lack of change in my behavior and performance so that I am clear on specifically where I still need improvement. I can better track my performance and map out areas where I need to focus if I have an up-to-date written assessment to reference."

116. Moreno responded by sending a conclusory email devoid of any specifics or examples, as well as a dashboard tool that she claimed she had previously sent but Moore had failed to use. Moore responded appreciatively and noted that, indeed, she had been using the dashboard as requested.

117. Although there had been nothing done whatsoever to address the organization-wide complaints of racial disparity, Moore kept quiet. She continued to work hard creatively, devising and executing exciting events and other opportunities for Planned Parenthood. Neither the original PIP nor Moreno's follow-up had provided any examples of how to actually change her behavior, so she simply continued working as she had been doing, except that she remained quiet about the ongoing racism she observed and experienced.

118. In other words, after receiving the PIP, Moore did not alter her behavior in any way whatsoever, other than to remain silent regarding any race disparities at the organization.

119. Moore's instincts proved correct: on March 22, 2021, Moreno informed her that she was being taken off the PIP. Moore also was assigned a new supervisor, Sandy Perez, who would begin on March 29.

120. That same month, however, Planned Parenthood deliberately drove out three of its other high-level Black employees – the ones who had started For The Culture – after escalating its hostility and mistreatment toward them.

121. Rather than comply with various draconian and unnecessary restrictions Planned Parenthood had attempted to impose on them, all three opted to resign. A few months later, Coordinator for Black Engagement Christen Whittaker left to join them as well.

XI. Planned Parenthood Flatly Refuses to Remediate Its Discriminatory Hiring and Promotional Practices

122. On March 29, 2021, the organization's annual promotion period closed. In the 75-person CNC department, 20 percent of which was Black, none of the six promoted employees were Black.

123. Shortly thereafter, Video Director Rachel Velasquez went on personal leave. Planned Parenthood hired Bawol's white friend, Emily Bucci, to take over Velasquez's duties. There was no apparent reason why the organization had not promoted one of the creative team members internally other than that they were all women of color. Indeed, as an outsider with no experience in the organization, Bucci struggled to field the types of questions and concerns that regularly arose and often simply acted as an intermediary between others.

124. On April 13, 2021, Moore was chatting online with a white colleague, Holly Nunn, about Kersha Deibel, who was one of the only Black affiliate CEOs. Nunn wrote:

“She's like the exception to the rule of what happens to Black women at PP
“She was given opportunity and room to grow”

125. At the next CNC Black meeting, Moore mentioned that it was disconcerting that no Black employees had been promoted in the department. Newman was blasé, saying she had noticed the fact after the announcement. She remained mostly silent and irritated for the rest of the meeting. Afterward, four other Black employees separately approached Moore to express their agreement and to thank her for speaking up.

126. Upon information and belief, another employee of color resigned around this time. She complained of racism and bias in her exit interviews, but no action was taken.

127. Planned Parenthood's external messaging came from some alternate universe. On April 17, 2021, the *New York Times* published an op-ed by McGill Johnson regarding Planned Parenthood's ostensible efforts to "confront[] any white supremacy in our own organization." She wrote, "Some might see this as virtue signaling, but Planned Parenthood is taking this work seriously."²⁰

128. In reality, Planned Parenthood was doing absolutely nothing. On May 5, 2021, Moore was assigned a Juneteenth observance project with only four weeks to prepare, when 11-12 weeks was standard. Planned Parenthood's continued failure and refusal to value Black observances, an issue the entire team had complained of for years and which would have been an easy and simple starting point, formed a stark contrast to McGill Johnson's public statements.

129. Nevertheless, Moore worked day and night to successfully complete the project.

130. Meanwhile, the creative team was raising concerns with Bawol and Bucci about Planned Parenthood's propensity to hire overwhelmingly male and white film crews. Two women of color on the creative team were both capable of producing videos – ostensibly, that was their job

²⁰ McGill Johnson, Alexis, "I'm the Head of Planned Parenthood. We're Done Making Excuses for Our Founder," The New York Times, (April 17, 2021) available at: <https://www.nytimes.com/2021/04/17/opinion/planned-parenthood-margaret-sanger.html>.

at the organization – so they also questioned why Planned Parenthood continued to hire outside teams for these projects. Bawol’s response was to instruct the creative team itself to personally draft a “diversity and inclusion” rider for video shoot hiring. Although it was completely outside the scope of their responsibilities, the team created a document that included a requirement that any production crews include at least 50% women, at least 50% Black, Latinx, Indigenous, AAPI, or other people of color, and that crews be inclusive of LGBTQ+ and varied gender identities as well as various abilities. They also shared with Bawol a list of networking communities for historically underrepresented groups in media production roles.²¹

131. On May 12, 2021, the creative team began filming a vaccine campaign it had been working on. The team had fought to hire a Black actor as the lead in the spot. However, they were shocked to see that Bucci had hired a 10-person crew consisting entirely of white men she was friends with, completely ignoring their concerns and the rider they had drafted at her request.

132. When the team raised the issue with Bawol on May 18, 2021, she sent them an email simply to “thank” them for raising “flags.”

133. At least one creative team member reported the discriminatory hiring to HR. Not surprisingly, Beckett simply replied something to the effect of, “we’ll try next time.”

134. Planned Parenthood’s hiring of executives’ white friends, rather than engaging in an equitable hiring process, was no isolated incident. In general, when Planned Parenthood needed to hire consultants, it generally hired the executives’ white friends and/or family members, often paying them as much as \$10,000 to \$15,000 per month – even as it failed and refused to hire additional staff members to alleviate the overwhelming workload of its employees of color.

²¹ Girl Gaze (<https://girlgaze.com/>), Women in Media (<https://www.womeninmedia.com/>), Free the Work (<https://freethework.com/>), and BGDM (<https://browngirlsdocmafia.com/>)

When Planned Parenthood did engage contractors of color, on the other hand, it paid them dramatically less, if anything, claiming the organization “couldn’t afford” to pay them more.

135. Bucci herself was paid over \$10,000 for each project, through her production company, on at least five occasions in 2020 and 2021. Moreno’s cousin, a white man named Jesse Kirschbaum, was on retainer throughout Moore’s tenure and paid \$10,000 per month even during months in which his agency did little to no work for the organization.

136. On the other hand, when Planned Parenthood engaged Bracey Sherman on a consultancy basis to be an Executive Producer of *Ours to Tell*, Moreno refused to pay her for her time. When Martin-Robinson asked Moreno if Planned Parenthood was going to pay Bracey Sherman for her consulting time, Moreno said that Bracey Sherman did not need to be paid because the consulting role was “good publicity” for her. Martin-Robinson ended up paying Bracey Sherman out of her own budget, though the project was not in her department, just to ensure she was compensated.²²

137. In another stark example, Tina Farris is a Black consultant who Moore had hired to support her on influencer engagement and partnership. Planned Parenthood failed and refused to pay her more than \$5,000 per month. Farris was required to constantly outline her work and responsibilities, on at least a monthly basis, to justify her contract in a way that Kirschbaum never was.

138. In May 2021, when Velasquez returned from her leave, Planned Parenthood promptly terminated her employment. Velasquez presumably threatened legal action against Planned

²² The notion that Bracey Sherman (<https://www.reneebraceysherman.com/about/>) should be grateful for the publicity was ludicrous. Bracey Sherman is a highly prominent activist, organizer, and writer, who has created and led several highly visible abortion visibility campaigns. She is the founder and executive director of We Testify, an organization focusing on leadership and representation of people who have had abortions. Her work has been featured in publications such as the *New York Times*, the *Guardian*, *The Washington Post*, and *EBONY Magazine*.

Parenthood because in-house legal counsel Kumiki Gibson subsequently began conducting interviews about Velasquez's management style. Gibson encouraged interviewees to come up with criticism, apparently to help retroactively justify the termination.

139. At least two employees of color applied for the open Video Director role, which had become vacant upon Velasquez's departure, including Natalie James, a Black Video Producer. Both were well-qualified and well-positioned to take over the role. However, Theresa Darlington, a white woman from outside the organization, was hired instead.

140. James, seeing no upward mobility path at the organization, resigned her employment.

141. Later, in or about September 2021, Bawol went out on maternity leave. Again, rather than considering any of the creative team members of color for promotion as Bawol's temporary replacement, Planned Parenthood simply kept Bucci on.

XII. Planned Parenthood Escalates Its PR Efforts While Making No Actual Efforts to Combat Racism

142. From November 2020 through April 2021, Moore had successfully led many of the major responsibilities in the "Sanger Reframe Project," finally effectuating the removal of Margaret Sanger's name from Planned Parenthood – an excellent public relations move for the organization.²³ It was an enormous project that required extensive collaboration with many peers in many departments. Moore's leadership and initiative were widely recognized and appreciated.

143. On June 17, 2021, Juneteenth became recognized as a federal holiday. However, Planned Parenthood was reticent to give staff the day off, even though the office was closed for all other

²³ Planned Parenthood previously defended Margaret Sanger (its founder) as recently as 2016 for her contributions toward reproductive rights, despite her support for, "policies to sterilize people who had disabilities that could not be treated; for banning immigrants with disabilities; and for 'placing so-called illiterates, paupers, unemployables, criminals prostitutes, and dope fiends on farms and in open spaces as long as necessary for the strengthening and development of moral conduct.'" Nikita Stewart, "Planned Parenthood in N.Y. Disavows Margaret Sanger Over Eugenics: Ms. Sanger, a feminist icon and reproductive-rights pioneer, supported a discredited belief in improving the human race through selective breeding." *The New York Times* (Jul. 21, 2020), available at <https://www.nytimes.com/2020/07/21/nyregion/planned-parenthood-margaret-sanger-eugenics.html>.

federal holidays. After numerous employees raised the issue, and many took the day as a vacation day, Planned Parenthood announced the office would be closed that day – via email at 5:30 p.m. the day before, after most people had already logged off for the day.

144. Moore continued to be assigned significantly higher workloads than her white peers. In mid-July, Moore was the sole person assigned to do a project that previously required seven people to complete.

145. Also in July, Long and Tasha Chambers, the Director of Multicultural Brand Strategy & Projects, approached Moore to ask if she would help reconvene the BEST Table, a monthly meeting of Black managerial staff.²⁴ There had been no BEST Table meetings since October 2020; back in April, the BEST meeting had been canceled, with the promise it would resume in May; however, months had since passed. Moore agreed, and on July 20, 2021, she wrote to the BEST Table email group:

“Hope everyone is doing well. Just wondering if I’m the only person who misses this strategy table?:) I’m sending this email out as a temperature check and, if there’s still a desire for us to meet, to also volunteer my time and energy to help re-energize this Strategy Table. I know we’ve only met once since October and I personally feel so adrift and disconnected around the work we are all doing across teams to engage Black folk and honestly, it makes me sad. But again, maybe it’s just me. I know so many people have left PP that were integral to setting this meeting up with any type of regularity and Kelley is about to go on leave, so if it’s an issue around bandwidth, I’ve spoken to Nicole Long and Tasha Chambers, my colleagues in Brand Projects and we are willing to volunteer to help coordinate the scheduling and POP for this meeting. I don’t think the responsibility of this meeting should fall on just one person. That’s a lot to handle especially with all that we already have on our plates. I miss all of you and Tasha, Nicole and I are here to help bring our BEST back to life (pun intended). Please let us know how we can help.”

146. Several colleagues expressed their gratitude and interest, including Newman, who replied-all to “[t]otally agree that a reboot is needed.” However, shortly thereafter, Newman

²⁴ The “BEST Table” had been created by Martin-Robinson before Moore joined the organization. It had been critically successful to align staff strategically on how to best engage with Black community members, donors, and patients. It consisted of approximately 35 people and met approximately once a month until October 2020.

called Moore privately. She was extremely angry about Moore’s email, chastising Moore that “working at Planned Parenthood is not a democracy” and asking, “Who do you think you are?”

147. The effort was subsequently abandoned.

148. On July 24, 2021, one Afro-Latina employee met with Beckett. She expressed, as she had done before, all of the ways in which she was feeling tokenized and disrespected as a Latina in the workplace. Beckett asked her why she hadn’t mentioned the issue sooner, bizarrely (and falsely) claiming that this was the first she was hearing of such issues. When she mentioned that she feared retaliation for her complaints, Beckett interrupted to angrily insist she would not retaliate; she then instructed her not to badmouth HR and abruptly ended the call.

149. On August 2, 2021, that same employee agreed to participate in the interview with Gibson and Beckett regarding Velasquez. In this interview, she attempted to reiterate her concerns about tokenism and other race-related issues in the workplace, but Gibson was not interested. She explained that her role was just to “keep people out of depositions.”

150. Long also attended one of the Velasquez interviews. Long similarly expressed to Gibson that the B&C department was rife with bullying and racism, including chronic mistreatment of Black staff, and suggested that the organization should investigate. Gibson’s response was similar.

151. It was clear that neither the legal department, nor HR, nor any of the executives, actually cared about the racism and pattern of retaliation that persisted in the organization.

152. On August 18, 2021, Newman informed the team that while Moreno had done “exemplary work” for Planned Parenthood, she had “decided to go in a new direction” and would be leaving the organization.

153. As was well-documented by the AORTA report, Moore was far from the only employee complaining of racism within the organization. On August 25, 2021, Long emailed her supervisor, Garcimonde-Fisher, along with CNC's Managing Director Jamila Galloway. Long described various instances wherein she had received unfair and unwarranted criticism and concluded, "these are clear and immediate examples of . . . what I meant by Brand and Culture being rooted in white supremacy."

154. Garcimonde-Fisher and Galloway did not respond; instead, they apparently forwarded the email to Beckett, who summoned Long to a meeting shortly afterward. Beckett screamed at Long: "Who do you think you are, sending that email?! What made you think you wouldn't be fired for that?!" Beckett, a Black woman, continued: "You give Black women a bad name. You can't come to HR without proof, it makes you look bad and it makes *us* [Black women] look crazy!" Long was aghast that HR's response to her complaint of white supremacy was to threaten to fire her.²⁵

XIII. Moore Was Punished With an Unequal Workload

155. On August 19, 2021, the calendar for Fiscal Year 2022 "observances" was distributed. Normally, each director was assigned one or two observances. This year, Moore was being assigned a whopping 11, including *all* the Black observances such as Black History Month, Black Maternal Health Week, and Juneteenth. Research Director Gabrielle Stopper, who structurally would have been equally responsible for the observances, had been assigned none, which was especially odd as Stopper, the Research Director, would naturally have played a central role in the observances work.

²⁵ Long called her union representative immediately after the call to document it.

156. Moore told Perez that she was spread too thin and overworked. Perez simply replied that the Brand team was understaffed, which of course, did not address the inequality of the distribution.

157. Moore thought carefully about how to address the issue, knowing she would likely receive backlash as she had in the past. On August 21, 2021, Moore carefully wrote to Perez that she was “a little surprised by this major transition of the scope of my work and the direction Brand leadership has now taken for how we engage multicultural audiences” and explained that the observances would occupy an extraordinary amount of her time and prevent her from fulfilling the core scope of her work. She continued:

“As you are well aware, Multicultural Brand Engagement, unlike Corporate Partnerships, Strategic Partnerships, or even Arts + Entertainment is just one person. ME. So something will have to fall by the wayside and I’d appreciate knowing, in writing, what you want me to prioritize. If the amount of observances that I’m responsible for is negotiable, then I’d like to discuss this with you in greater detail. For example, I’m not sure how this Observance work was divided up in the first place and would like clarity about that. I don’t think that just because I’m Black I should be responsible for owning all of the Black observances. That is tokenizing.”

158. On August 23, 2021, Perez responded by emailing Moore, copying Galloway. She asked Moore to send her a list of the current projects she was working on and the number of hours she was putting into each of them. She claimed this was to ensure everyone was carrying an equitable workload, but upon information and belief, she did not ask the same of Moore’s white colleagues.

159. Perez claimed that she was planning to revisit the assignment of observances once Planned Parenthood filled a vacant “Brand Specialist” position. However, the prior Brand Specialist, Chelsey Peppe, had never been assigned any observance work.

160. That same day, Moore responded to both Perez and Galloway by email, laying out her responsibilities and imminent projects in writing. She stated she understood that they were a staff

member short, but “[f]or awareness, I am now responsible for more observances than anyone else on both the BM and BP teams . . . so I’m not sure how equitable the distribution of work is on our team (ie. why is Gabrielle [Stopper] excluded from this work).”

161. During their subsequent one-on-one, Perez asked Moore again to provide an accounting of her workload. Moore responded with a detailed plan for her work leading up to and through Black History Month and a breakdown of how the planned observances would mean she had to abandon some plans she had made for the organization as part of her core duties. Perez simply ignored these priorities and steered Moore back to the observances, instructing her to complete an exorbitant number of them in record time. It was physically impossible without working around the clock – which Moore did.

162. After beginning these assignments, Moore took a short vacation over Labor Day weekend – her first time away during her tenure other than one family member’s funeral. As she had done on her funeral trip, Moore spent significant portions of her vacation working, including the entire first two days out of a five-day trip.

163. While she was gone, on August 31, 2021, Moore was awarded “the rock,” a monthly CNC award passed from one awardee to another at the department’s monthly meeting, by Chambers. Chambers said:

“Today, I am passing the rock to someone who approaches every piece of her work with a lens on intersectionality and racial equity and has zero problems reminding us that reproductive justice can’t wait. She is what I call my barometer to make sure that I honor my integrity, equity and PP’s brand. I can count on her to double check for any equity blind spots in my work or interactions with staff. She introduces the organization to multicultural influencers who, in turn, present PP to new audiences and supporters who actually look like our patients. She brings strategic flavor to every observance, and I can’t wait to see what she’s planning every time. She never misses. She has radical courage. She reminds us all, even if it pushes you beyond your comfort, that we exist to leave something better for those who come behind us. She is my sister-friend. My colleague. My Brand counterpart. I’m passing the rock to our Multicultural Brand Engagement Director, Nicole Moore.”

164. Many of Moore’s other colleagues then joined in praising her performance and responded in the chat with overwhelming support. Social Media Director Allison Rhone wrote, “I’m tearing up! It’s all so true!” Hilary Clifford, the CEO’s speechwriter, wrote, “ALL MY LOVE TO NICOLE!!!! SHE’S THE BEST.”

XIV. Moore Was Punished Again and Fired for Continuing to Complain About Racial Inequality and Retaliation

165. On September 8, 2021, Moore returned to work. On September 16, she met with Perez for their regularly scheduled one-on-one weekly video conference.

166. Moore was surprised to find Newman there waiting for her along with Perez. They apparently were not happy that Moore had complained about race disparities among the observance assignments. Instead of congratulating Moore for receiving “the rock,” Newman announced that Moore was receiving a “Final Written Warning” for her alleged performance deficiencies.

167. Later that day, Perez emailed Moore the warning, which threatened her with termination. It stated that Moore had “created chaos/confusion” and that she was “not seen as a team player.” The warning falsely stated that Moore was “not productive and did not lead” one of the main projects she had accomplished and that she had “handed off the heavy lifting” to others and “took credit for the work of others.” Numerous witnesses, and written communications over the course of those projects, confirmed that the accusations simply had no basis in reality.

168. The warning included several other demonstrably false accusations. It accused Moore of failing to complete several assignments which she had completed.

169. Unbelievably, yet again, Moore’s complaints of racial disparity were explicitly provided as an example of her poor performance. Moore was reprimanded for “[a]ccusing leadership of

assigning all the observances to women of color” and “nam[ing] colleagues, Gabrielle and Perry, as ‘white women’ who aren’t doing the ‘grinding work’ of observances, which is inappropriate.”

170. Perez and Newman told Moore that if she was unable to demonstrate immediate, sustained improvement, Planned Parenthood would terminate her employment. They implemented a new requirement that she meet with Perez every Monday and Thursday and instructed her to keep the warning confidential.

171. The warning outlined an exorbitant set of tasks Moore was directed to complete in the following thirty days, under threat of termination. These tasks included, but were not limited to: leading and coordinating two Planned Parenthood campaigns, “Dear Sonya Sotomayor” and “Be Seen Gen Action”; reviewing Planned Parenthood’s “FY22 Proactive Plan,” and formulating recommendations and an engagement plan for paid sponsorships; tailoring Planned Parenthood multicultural training deck; completing Planned Parenthood’s multicultural best practices; and delivering four major observances. The list was significantly more than any one employee could be expected to complete in the allotted time.

172. Lastly, Newman mentioned that she had seen Moore post a meme about being “tired” on her personal Instagram, that Moore had no reason to be tired, that she “worked the least of anyone on [the] team,” and that she needed to “step it up.”

173. The next day, Moore contacted Planned Parenthood’s new union to seek guidance. However, the union was unable to be of much help as it was (and to this day, still is) battling the organization’s failure and refusal to ratify its contract.

174. On Monday, October 4, Moore woke up feeling especially stressed and anxious, racing to complete the exorbitant workload she had been assigned. In the early afternoon, she felt her heart racing. It got worse over the course of the afternoon; she began having trouble breathing and

started to feel dizzy. She continued to work as long as she could, but by 4:00 p.m., she became concerned enough to visit CVS to have her blood pressure taken. As this was during the “Delta” surge, there was a 35-40-minute wait; her heart was racing, and she felt ill, so fearing a heart attack, she walked nine blocks to an Urgent Care facility where, again, there was a line down the block. She texted a Nurse Practitioner friend, who told her that her symptoms were serious enough that she should go to the hospital emergency room. Moore’s blood pressure was high; the hospital took an EKG and other tests. Doctors determined that it was most likely stress and anxiety that had affected Moore’s thyroid and that she appeared to be suffering an anxiety attack.

175. Moore continued to work around the clock to finish all of the tasks that had been assigned to her in the PIP. Others commented that it would be impossible for one person to complete the work Moore was doing, but she endeavored to do all of it nevertheless. She executed strategic briefs and affiliate memos for key observances like Thank You Birth Control Day, Transgender Awareness Week, and the Transgender Day of Remembrance; produced a cultural campaign called “Dear Sonia Sotomayor” to celebrate Latino Heritage Month and to raise awareness of Justice Sotomayor’s accomplishments, and continued to co-drive the work of the college engagement plan for “Be Seen”— PP’s brand mission campaign.

176. She told colleagues that she was “drowning in work” and barely sleeping.

177. On Thursday, October 14, Perez asked Moore if they could push their meeting back to the next day. Moore asked what the meeting was regarding but received no response. Moore, therefore, asked the 1199 union representative to join her for that meeting.

178. That evening, Moore submitted a formal rebuttal to the Final Warning. In her rebuttal, Moore stated that her workplace “has become increasingly more hostile” and that she disagreed with the false and contrived information in the Warning. Moore wrote:

“I feel that I am being discriminated against as a result of me speaking up and speaking out about biased practices and inequity in the Communications and Culture (CNC) division of Planned Parenthood. The following accusations were created in retaliation against me for questioning the inequitable re-distribution of Observance project management work and for pointing out the fact that no Black staffers on the CNC team had been promoted. For asking questions about what seems to be a lack of equity and inclusion, I am being unfairly punished and accused of undermining senior leadership.”

179. Moore described the many projects she had successfully accomplished, highlighted her colleagues' praise, and cited the award she had just received. She specifically rebutted various accusations by pointing to unanswered emails she had sent to Perez and locating various Google documents showing the work she had done. She concluded: “You have created this PIP (Warning) to silence me and use it as a vehicle to conjure a stereotypical narrative of me as being toxic, angry, lazy, and difficult to work with.” She added that it was clear she would continue to be subject to retaliatory measures and suggested an amicable separation from Planned Parenthood.

180. She also sent a report to “reportit.com,” an app that was touted by Planned Parenthood as a safe reporting mechanism, but never received any response.

181. The very next day, Moore was fired. A union representative who joined the meeting described it as the “coldest termination [he had] ever witnessed.”

182. She was offered one week of severance.

183. After being fired, Moore received multiple calls from her former colleagues asking why she had chosen to leave. Apparently, the organization had lied about her departure, and told her former colleagues that she had left voluntarily.

184. Moore suffered greatly as a result of losing her job. She suffered severe anxiety, persistent insomnia, loss of appetite, and periods of dizziness and shortness of breath. She is in psychotherapy to cope with the emotional distress she suffered.

185. Most notably, in January 2022, Moore began losing her hair. She wore a turban every day in public for four months. In April, she saw a professional hair stylist, who told her that she could see signs of alopecia and informed her that hair loss usually results from stressful times that occurred 2-4 months before the loss started showing. Some of the loss appears to be irreversible.

XV. Planned Parenthood Now Continues to Pretend It Has Not Chosen to Enable Racism And Has Avoided Any Accountability

186. In November 2021, another Black woman in the CNC department resigned her employment due to Planned Parenthood's toxicity and racism. That same month, an Afro-Latina employee had become so anxious from the toxicity that her treating psychiatrist advised her to take a medical leave of absence from work for the sake of her mental health, which she did.

187. Despite the many complaints it has received and the many investigations it claims to have launched, Planned Parenthood does not appear to have ever taken any substantive action.

188. In January 2022, Long resigned from her employment due specifically to Planned Parenthood's toxic, anti-Black workplace culture and chronic, un-remediated mistreatment of Black employees.

189. That same month, another Afro-Latina employee resigned, explaining that she had repeatedly complained to HR regarding racism and tokenism, to no avail. On January 10, 2022, that employee wrote to Chief People Officer Steve Manley (the head of HR) and several other executives, explaining:

“. . . Since my first day at PPFA, my introduction to [Bawol] and the team was everyone on the team brought up the fact that she was racist. I immediately reached out to H.R. (Charise Beckett and Sumi Yi) and brought up my concerns about my role and the internal politics within the team. Over the course of the year I can see why those comments were made based on multiple instances of being tokenized, undermined, and our D.E.I. and “retreat exercises .” I also spoke up multiple times to H.R., Jamila, Galloway, Rachel Moreno (until the hour that she was terminated), Melaine Newman,

Leshia Johnson, and on our C&C meetings to which nothing was resolved and I was told on multiple instances, “We see you and hear you, please be patient and in time things will sort out.”

190. Planned Parenthood claimed, as it had done many times before, that it would “initiate an investigation” into the claims. It never did.

191. Meanwhile, Planned Parenthood has managed to escape all public scrutiny for its abject failure to remediate the racial discrimination which plagues the organization. Instead, it continues to take the public stance that it is dedicated to addressing racial inequality. On July 7, 2021, McGill Johnson gave a speech bragging about Planned Parenthood’s bold efforts:

“What does it mean to show up unapologetically for your staff? . . . We are going to make a big bet on equity. It’s our moonshot, really. We’re going to make that bet on ourselves. Yes, there is potential for fallout, but if we truly believe addressing issues of systemic discrimination and racism in the movement is critical, then we’re going to put our money where our mouth is and do it.”

192. To this day, Planned Parenthood has not taken a single step to remedy the race discrimination which continues to harm its staff of color. Instead, it has chosen to perpetuate the discrimination by creating pretextual reasons to fire employees like Moore and making the workplace so inhospitable that other employees of color simply cannot remain, all because they dared to speak out.

193. Until this lawsuit, Planned Parenthood has successfully kept its pervasive racism and retaliatory practices undercover. Indeed, in March 2022, it famously received a \$275 million dollar donation – the largest in its history.

**FIRST CAUSE OF ACTION:
Discrimination in Violation of § 1981**

194. Moore repeats and realleges each allegation set forth above.

195. Planned Parenthood unlawfully discriminated against Moore in the terms and conditions of her employment by subjecting her to disparate treatment on the basis of her race in violation of 42 U.S.C. § 1981 (“§ 1981”).

196. As a result, Moore has suffered emotional distress and has incurred compensatory damages, economic damages, attorney’s fees, and costs.

197. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Moore’s federally protected rights.

198. Moore is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney’s fees, and costs.

**SECOND CAUSE OF ACTION:
Retaliation in Violation of § 1981**

199. Moore repeats and realleges each allegation set forth above.

200. Planned Parenthood unlawfully retaliated against Moore for her protected discrimination complaints by subjecting her to disparate treatment and adverse actions and terminating Moore’s employment, in retaliation for her protected activities, in violation of § 1981.

201. As a result, Moore has suffered emotional distress and has incurred compensatory damages, economic damages, attorney’s fees, and costs.

202. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Moore’s federally protected rights.

203. Moore is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney’s fees, and costs.

**THIRD CAUSE OF ACTION:
Discrimination in Violation of the NYSHRL**

204. Moore repeats and realleges each allegation set forth above.

205. Planned Parenthood unlawfully discriminated against Moore in the terms and conditions of her employment by subjecting her to disparate treatment and terminating Moore's employment, on the basis of her race, in violation of the New York State Human Rights Law, N.Y. Exec Law § 296(1) ("NYSHRL").

206. As a result, Moore has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

207. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Moore's rights.

208. Moore is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**FOURTH CAUSE OF ACTION:
Retaliation in Violation of the NYSHRL**

209. Moore repeats and realleges each allegation set forth above.

210. Planned Parenthood retaliated against Moore for her protected discrimination complaints in violation of the NYSHRL.

211. The retaliatory actions to which Moore was subjected could have dissuaded reasonable employees in her position from complaining of discrimination.

212. As a result, Moore has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

213. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Moore's rights.

214. Moore is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**FIFTH CAUSE OF ACTION:
Discrimination in Violation of the NYCHRL**

215. Moore repeats and realleges each allegation set forth above.

216. Planned Parenthood unlawfully discriminated against Moore in the terms and conditions of their employment by subjecting her to disparate treatment and terminating Moore's employment, on the basis of her race, in violation of the New York City Human Rights Law, N.Y.C. Admin. Code § 8-107(1)(a) ("NYCHRL").

217. As a result, Moore has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

218. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Moore's rights.

219. Moore is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**SIXTH CAUSE OF ACTION:
Retaliation in Violation of the NYCHRL**

220. Moore repeats and realleges each allegation set forth above.

221. Planned Parenthood retaliated against Moore for her protected discrimination complaints in violation of the NYCHRL.

222. The retaliatory actions to which Moore was subjected could have dissuaded reasonable employees in her position from complaining of discrimination.

223. As a result, Moore has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

224. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Moore's rights.

225. Moore is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

FIRST POINT OF LAW:
Discrimination in Violation of Title VII

226. Moore repeats and realleges each allegation set forth above.

227. Planned Parenthood unlawfully discriminated against Moore in the terms and conditions of her employment by subjecting her to disparate treatment, terminating Moore's employment, on the basis of her race, in violation of Title VII of the Civil Rights Act of 1964, *as amended*, 42 USC § 2000e *et seq.* ("Title VII").

228. As a result, Moore has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

229. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Moore's federally protected rights.

230. On August 26, 2022, Moore filed a timely Charge of Discrimination ("Charge") with the U.S. Equal Employment Opportunity Commission ("EEOC"), alleging claims of discrimination under Title VII.

231. The EEOC has not yet issued Moore a Notice of Right to Sue.

232. After the EEOC issues a Notice of Right to Sue, Moore will seek to amend this Complaint to include a cause of action for discrimination under Title VII.

SECOND POINT OF LAW:
Retaliation in Violation of Title VII

233. Moore repeats and realleges each allegation set forth above.

234. Planned Parenthood unlawfully retaliated against Moore for her protected discrimination complaints by subjecting her to disparate treatment and adverse actions and terminating Moore's employment in violation of Title VII.

235. As a result, Moore has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

236. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Moore's federally protected rights.

237. On August 26, 2022, Moore filed a timely Charge with the EEOC alleging claims of retaliation under Title VII.

238. After the EEOC issues a Notice of Right to Sue, Moore will seek to amend this Complaint to include a cause of action for retaliation under Title VII.

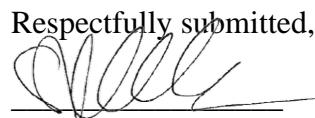
DEMAND FOR RELIEF

WHEREFORE, it is respectfully requested that the Court enter judgment in favor of Moore and against Defendants, in amounts to be determined by the finder of fact, on the First, Second, Third, Fourth, Fifth, and Sixth Causes of Action, awarding emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs, and granting such other relief as may be just.

DEMAND FOR TRIAL BY JURY

Pursuant to FRCP § 38(b), Plaintiff demands a trial by jury.

Dated: Brooklyn, New York
October 19, 2022

Respectfully submitted,


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